



MINUTES OF THE SPECIAL JOINT MEETING
OF THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD, City
Council Chambers 777 B Street, Hayward, CA 94541
Tuesday, September 22, 1998, **8:00** p.m.

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chairperson Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Rodriquez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, **Henson**
MAYOR/CHAIRPERSON Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

Mayor Cooper presented the Pride in Hayward Award to the following Southgate homeowners: Norma Wegenka, Antonio and Maria Figueiredo, Jai and Chandra Pradsad, Carl and Monterie Peterson, Herbert and **Bettie** Simons.

Recognition of Members of the Hayward Redevelopment Area Committee

Mayor Cooper thanked the members of the Hayward Redevelopment Area Committee and recognized them for their time and efforts in developing the report to City Council. She presented certificates to the members: Chair Bill Vandenburg, Vice Chair Dana Bailey, Rosemarie Ramos, Keith Krueger, Sheila Junge, Michael Aahl, Albert Florez, and Rick **Tipton**.

PUBLIC COMMENTS

John Kyle, 22638 Teakwood Street, reported on a recent CMA (Congestion Management Authority) meeting at which he emphasized that the **238-freeway** is still on track. He indicated that the members are determined to bring the issue to the voters once again. He indicated that the signs he has placed to support the freeway have been systematically destroyed.

Rod Fivelstad, 24946 Bland Street, spoke regarding Measure HH. He said he supports the Measure because it represents the best for the City.

Al Reynolds, 2547 Erskine Lane, apologized for an error in a letter he recently sent that indicated the wrong date for an event scheduled for September rather than August.

Ron **Barklow**, 1210 Tiegen Drive, showed a picture from a previous presentation and explained in further detail the damage he sees to the flood plain. He also discussed his opposition to Measure HH.

CONSENT

1. Approval of Minutes of the Regular City Council Meeting of September 15, 1998

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to approve the Minutes of the Meeting of the City Council Meeting of September 15, 1998.

- 2 Construction of Wheelchair Ramps at Various Locations and Sidewalk Improvements on Tennyson Road: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated September 22, 1998, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Resolution 98-166, "Resolution Awarding Contract to P&P Construction, Inc., for the Construction of Wheelchair Ramps at Various Locations and Sidewalk Improvements on Tennyson Road, Project Nos. 5139, 5173 & 5731"

3. Animal Control Facility Improvements: Authorization for Execution of an Agreement for Professional Services

Staff report submitted by Deputy Director of Public Works Bauman, dated September 22, 1998, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Resolution 98167, "Resolution Authorizing the City Manager to Execute an Agreement with Philip Henry, Architect, for Professional Services in Connection with Improvements to the Animal Control Facility, Project No. 6948"

4. Submittal and Acceptance of the Report to the City Council, the Report from the Hayward Redevelopment Area Committee, the Amended Redevelopment Plan, and the Final Environmental Impact Report (EIR), and Setting a Date for a Joint Public Hearing



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Staff report submitted by Redevelopment Director Bartlett, dated September 22, 1998, was filed.

It was moved by Council Member/RA Ward, seconded by Council/RA Member **Henson**, and unanimously carried to adopt the following:

Resolution 98-168, "Resolution Consenting to and Calling a Joint Public Hearing with the Redevelopment Agency on the Proposed Final Environmental Impact Report for the Proposed Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project and the Adoption of Such Amendment"

RA Resolution 98-11, "Approving and Submitting a Report to the City Council Regarding the Proposed Amendment to the Redevelopment Plan for the Downtown Hayward Redevelopment Project, Together with the Proposed Final Environmental Impact Report and Amendment, and Requesting the City Council to Call a Joint Public Hearing on the Proposed Amendment"

5. Adoption of An Ordinance Amending the Hayward Municipal Code by Rezoning Certain Territory at 25965 Gading Road Pursuant to Zone Change Application Introduced on September 15, 1998

Staff report submitted by City Clerk Reyes, dated September 22, 1998, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Ordinance 98-13, "An Ordinance Amending Section 10-1.146 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory at 25965 Gading Road Pursuant to Zone Change Application 98-190-04"

HEARINGS

6. Vesting Tentative Map Tract 7031, Site Plan Review No. 98-130-06 & Variance No. 98-180-04.- Sobrato Development Companies (Applicant), Narom Development Company and Union Pacific Railroad Company (Owners)

Staff report submitted by Associate Planner Mullen, for September 22, 1998, was filed.

Associate Planner Mullen presented the staff report on the project that included the site plan, building elevations and the recreation building. He noted that this project is consistent with the City's General Plan, but was not consistent with the Santa Clara Neighborhood Plan. The former Task Force was reconvened to discuss the project. The majority of the members who met were in favor of accepting the proposal with a requirement that the project be of high quality. The Task Force felt that it would improve the image of the City. The Planning Commission considered this recommendation from the Task Force members and considered it consistent with the Santa Clara Neighborhood Plan.

Council Member **Henson** expressed concern regarding the viability of the project as a condominium for purchase in ten-years. With newer homes available, is it realistic to assume that purchasers will want to buy in this complex at that time.

Community and Economic Development Director Ehrenthal responded that certainly in ten years there will be wear-and-tear on the structure. It would be in the owner's interest to do some serious rehabilitation on the structure at that point.

Council Member Hilson asked why garage spaces are not required for every unit and felt that the City should require one for each unit.

In response to Council Member Hilson's concern regarding garage facilities for each unit, Associate Planner Mullen responded that the City's Design and Performance Standards gives the choice of either option, garage or carport parking, as long as each unit has a covered space. Council Member Hilson said that a change should be considered requiring garages for each unit for various reasons including safety.

Council Member Hilson then asked whether there was a quid pro quo for the City on the variances asked by the developer. It was noted that the developer would landscape and maintain City right-of-way along Moran Court and Daily Review Way. Staff also felt that the findings needed to grant the variances have been met.

Council Member Hilson also expressed concern that the recycling containers would not be adequate to meet the needs of the refuse needs of the facility and suggested further work on the issue.

Council member Hilson also questioned the possibility of hazardous materials on the site, remembering that there had been discussion on this issue in the past for a previous project.

Environmental Specialist Murphy explained that there are still minor detectable levels of contamination flowing underground onto the site but the County and other regulatory agencies have determined that it is at a low enough level to pose no hazard. Real estate law requires the owners to fully disclose these facts regarding soil contamination whenever a sale occurs.



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Council Member Rodriquez requested once again that staff reports contain more information regarding the effects of any development proposals on local schools.

Mayor Cooper opened the public hearing at **9:01 p.m.**

Michael Bruner, Sobrato Development Companies, 10600 North **DeAnza** Boulevard, Suite 200, Cupertino, represented the developer. He explained the various mitigations taken to address the noise, parking, and the variance requested. The developer has included in the plans dual pane windows on the units. The project includes a conference room, spa and gym area to develop a very high-end, quality project. He explained that there will be a sound-wall along the railroad tracks behind the carports which will buffer the sound. He said their goal is to come into a community, be a part of it and do what is best for it. He emphasized that they will have a vested interest in maintaining the properties so that they will be marketable when the time comes. He also explained that the project will have the same landscape architect as all of their other projects. He added that carports versus garages is an aesthetics and design issue which allows the landscaping to be incorporated into the views in the project.

Ken Price, 24810 Willimet Way, member of the former Santa Clara Neighborhood Task Force spoke in favor of the project. He had concerns against building near the railroad tracks, but after considering the project in Fremont, he felt that this high quality project would improve the area that has been vacant for some time.

Kenneth Harmeyer, 23845 Ida Lane, a member of the former Santa Clara Neighborhood Task Force, spoke against the project. He felt that the units were not executive units and that the standards would diminish in ten years. He described traffic and parking issues at other complexes in that area.

Paul Ward spoke on behalf of the Chamber of Commerce. He stated that the development would contribute in improving and beautifying that area. He was impressed by the management of this project and noted the recommendations of the Planning Commission and the Santa Clara Task Force.

Frank Fragomeni, 4853 Proctor Road, Castro Valley, who owns a restaurant nearby, spoke in favor of this project.

Elmer Kriewaldt, 473 **Banbury** Street, member of the former Santa Clara Neighborhood Task Force, stated that he visited the developer's projects in San Jose and Fremont and agreed that this would be a high quality project. He agreed that on-site management should be required. He stated that rental management is essential in maintaining the quality of an apartment project.

D.G. Evans, 361 Bristol Boulevard, suggested that the number of units in clusters be cut in order to make the one-bedroom units into two.

Ron **Barklow**, 1210 Tiegen, asked if the vacant land on this project was surveyed for any endangered species.

Staff referenced the environmental documents for this project.

Mayor Cooper closed the public hearing at 9:44 p.m.

Council Member Ward stated that this is a good product in response to those in the higher income brackets. Although this Council's goal is to maintain a percentage of homeowners higher than renters, this site has been a visual disaster for the community. Any improvement will be beneficial and this project is of a high caliber. There is an unfortunate history of complexes in Hayward that have lacked investment in terms of maintenance and upkeep. He cautioned the developer to deliver on this project.

Council Member **Henson** stated that he has some reservations about the project but based on the quality, he is willing to take a chance. He still has serious concerns on the ten-year policy, because the developer has not committed to a conversion at that time. He stated that he is taking a chance to support this motion.

Council Member Rodriguez shared the same concerns of her colleagues. The location disturbed her the most, but in light of what was built at Atherton, she felt that it was a quality project in a very confined area. She is depending on the developer to continue its quality similar to its other projects.

Mayor Cooper reiterated Council's concerns and issues relating to rental projects.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

Resolution 98-169, "Resolution Certifying that the Negative Declaration Has Been Completed in Compliance with the California Environmental Quality Act, Approving Site Plan Review Application NO. 98-130-06 and Variance Application No. 98-180-04, and Certifying and Approving the Vesting Tentative Map for Tract 703 1"

7. Amendments to Sign Ordinance, Chapter 10, Zoning, of the Hayward Municipal Code
(Previously Noticed Item Continued to **10/13/98**)

Staff report submitted by Associate Planner **Camire**, dated September 22, 1998, was filed.



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Mayor Cooper opened and closed the public hearing at 9:46 p.m., with no requests to speak.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried by all present, to continue the public hearing to October 13, 1998.

COUNCIL REPORTS

Council Member Hilson reported that he was invited to speak at a conference for the Western States Association of Tax Advisers in San Diego.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:59 p.m., in memory of Marcos Guerrero, principal of Cesar Chavez Middle School, who died this past Saturday. She praised his life of hard work with young people, helping to lift their aspirations, particularly those in the Hispanic community. She described him as committed, thoughtful and creative with a wonderful sense of humor. She extended sympathy to his wife Carmen and their two children.

Council Member Rodriquez echoed the Mayor's comments, adding that he and his many contributions to the community will be greatly missed.

Mayor Cooper then proposed that, with the cooperation of the Hayward Unified School District, the City plant a tree in his memory at or near the Chavez school.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward